

**MINUTES OF THE  
STATE ELECTIONS ENFORCEMENT COMMISSION'S  
REGULAR MEETING  
October 25, 2006**

***I. Call to Order***

Chairman Cashman called the meeting to order at 9:16 A.M. Commissioners Cleary and Jenkins were present. Staff Members present were Mr. Garfield, Mr. Lenge, Ms. Rotman, Ms. Andrews, Mr. Smith, Mr. Crayton, Ms. Kulmacz, Mr. Ly and Ms. Blackburn.

***II. Approval of the Minutes***

*Approval of the Minutes of the September 20, 2006 Special Meeting*

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to approve the minutes of the September 20, 2006 special meeting. So voted.

***III. Pending Complaints and Investigations***

Mr. Garfield explained that Attorney Andrews, Director of Legal Affairs and Enforcement Unit, will be taking over as manager of the investigations and cases from here on in. In the transitional period, Mr. Garfield and Mr. Lenge have retained the managerial duties of a few of the complaints on the agenda.

***A. Public Session***

1. In the Matter of a Complaint by Paul F. Roy, Seymour  
File No. 2006-101  
Proposed Consent Agreement and Order or Reason to Believe Findings  
Respondent: Dianne Lombardi  
Investigator: Attorney Joan M. Andrews & Hy Ly, Accounts Examiner  
Managing Attorney: Albert P. Lenge

Mr. Lenge explained that Attorney Shea is present today. He is representing the Respondent in the above referenced matter. The negotiations have not been successful and Attorney Shea has come to the meeting to request the opportunity to resolve the matter with a pre trial conference. Commissioner Cashman stated that it is not customary for the Commission to proceed in this manner. He said that the Commission will take this under advisement and at this point, not designate a hearing officer. The Commission will try to accommodate Attorney Shea's request. Commissioner Cashman recommended that the Commission proceed with a reason to believe findings.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary that the Commission finds reason to believe that Respondent Dianne Lombardi violated Connecticut General Statutes §§9-333j(c), 9-333o and 9-333x(10). So voted.

2. In the Matter of a Complaint by Lois Clough, Winsted

File No. 2006-128

Proposed Consent Agreements and Orders

Respondents: Carol LaPointe & Pamela Peresada

Investigator: Dara Haqq, Associate Account Examiner

Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and the proposed Consent Agreements and Orders. Respondent Pamela Peresada has signed her proposed agreement and paid the civil penalty of \$100. Respondent Carol LaPointe has signed her proposed agreement and has amended the appropriate disclosure statement as ordered. Mr. Garfield recommended adoption.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Consent Agreements and Orders in File No. 2006-128. So voted. A copy of the Consent Agreements and Orders are attached and incorporated here in as part of these minutes.

3. In the Matter of a Complaint by Willie D. Greene, New Haven

File No. 2006-146

Proposed Consent Agreement and Order

Respondent: Anthony Michael Juliano

Investigator: Attorney Marc W. Crayton

Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained that the above referenced complaint was scheduled as a contested case to be heard by Commissioner Mendoza as hearing officer. Attorney Crayton was able to negotiate a settlement. Commissioner Mendoza was notified of the successful negotiations and the hearing was cancelled. The proposed agreement was faxed to Commissioner Mendoza for her review. Commissioner Mendoza is not present today but has not indicated that she does not agree to the settlement. The proposed Consent Agreement and Order has been signed by Mr. Juliano and he is ordered to pay a civil penalty of \$1500 by November 15, 2006. Mr. Garfield recommended the adoption of the proposed Consent Agreement and Order.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Consent Agreement and Order in File No. 2006-146. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

4. In the Matter of a Complaint by John F. Scott IV, Groton  
File No. 2006-150

Proposed Consent Agreement and Order

Respondent: Wil Langdon and Michael Gothie

Investigator: Attorney Marc W. Crayton

Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint. The proposed Consent Agreement and Order with Respondent Gothie has been signed and he has paid the civil penalty of \$250. Mr. Garfield recommended its adoption.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Consent Agreement and Order in File No. 2006-150 with respect to Respondent Michael Gothie. So voted. The Consent Agreement and Order is attached and incorporated herein as part of these minutes.

Mr. Garfield explained the proposed Consent Agreement and Order with respect to Respondent Wil Langdon. Mr. Langdon has indicated to Attorney Crayton that he will sign the proposed Consent Agreement and Order and pay the civil penalty of \$250. Mr. Garfield recommended its adoption.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Consent Agreement and Order with Respondent Wil Langdon contingent upon receipt of the signed original agreement and the payment of the \$250 civil penalty within seven days from today. So voted. The Consent Agreement and Order is attached and incorporated herein as part of these minutes.

5. In the Matter of a Complaint by Frank DeJesus, Hartford  
File No. 2006-193

Proposed Consent Agreement and Order or Reason to Believe Findings

Respondent: Minnie Gonzales

Investigator: Attorney William Smith

Managing Attorney: Albert P. Lenge

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary that the Commission finds reason to believe that Respondent Minnie Gonzales violated Connecticut General Statutes §§9-333i and 9-333w and that a hearing officer be designated for the purpose of conducting a hearing for this matter. So voted.

Commissioner Cashman designated Commissioner Mendoza to be hearing officer in this matter.

6. In the Matter of a Complaint by Frank B. Hall, Essex  
File No. 2006-199

Proposed Consent Agreement and Order

Respondent: Deborah M. Pearl

Investigator: Attorney William B. Smith  
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and the proposed Consent Agreement and Order. Respondent Pearl has signed the proposed agreement. Mr. Lenge recommend its adoption.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Consent Agreement and Order in File No. 2006-199. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

7. In the Matter of a Complaint by Gail M. Suzik, Plainfield  
File No. 2006-268  
Proposed Findings and Conclusions  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Joan M. Andrews

Ms. Andrews explained the above referenced complaint and the proposed Findings and Conclusions recommending that the matter be dismissed.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Findings and Conclusions in File No. 2006-268 dismissing the matter for the reasons stated. So voted. A copy of the findings and Conclusions is attached and incorporated herein as part of these minutes.

8. In the Matter of a Complaint by Therese Pac, Bristol City Clerk  
File No. 2006-269  
Proposed Findings and Conclusions  
Investigator: Attorney William B. Smith  
Managing Attorney: Joan M. Andrews

Ms. Andrews explained the above referenced complaint and the proposed Findings and Conclusions recommending that the matter be dismissed.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Findings and Conclusions in File No. 2006-269 dismissing the matter for the reasons stated. So voted. A copy of the findings and Conclusions is attached and incorporated herein as part of these minutes.

Mr. Garfield respectfully requested that the Commission add to today's agenda as Item VII, in executive session, a discussion of strategy and negotiations with respect to Pending Litigation involving the challenge to the Campaign Finance Reform legislation.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to add to the agenda as Item VII the discussion of strategy with respect to pending litigation in Executive Session. So voted.

*B. Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(3) and (4)*

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary at 9:50 A.M. to proceed into Executive Session pursuant to C.G.S. 1-200(6)(B) and (E) and 1-210(b)(4) to discuss strategy and negotiations with respect to pending claims and exempt records relating thereto, listed as Items 9 to 11 on the agenda. So voted. Present were Commissioners Cashman, Cleary and Jenkins. Staff members present were Messrs. Garfield, Lenge, Smith, Crayton, Ly, Ms. Rotman, Ms. Andrews, Ms. Kulmacz and Ms. Blackburn.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to return to public session at 10:10 A.M. So voted.

The Commission returned to public session and took the following action:

9. In the Matter of a Complaint by Frances Knipple and Janis Murtha, South Windsor ROVs  
File No. 2006-202

Investigators: Attorney William B. Smith & Attorney Marc W. Crayton  
Managing Attorney: Jeffrey B. Garfield

This matter was continued.

10. In the Matter of a Complaint by Karen Sulich, Canterbury  
File No. 2006-264

Investigator: Attorney William B. Smith  
Managing Attorney: Joan M. Andrews

This matter was continued.

11. In the Matter of a Complaint by Bill Cunningham, Plainville  
File No. 2006-270

Investigator: Attorney Marc W. Crayton  
Managing Attorney: Joan M. Andrews

This matter was continued.

***IV. Find Reason to Believe Recommendations & Designation of Hearing Officer***

- . 1. *In the Matter of a Complaint by Nancy Rossi, West Haven*  
File No. 2006-109

Reason to Believe Findings

Respondent: Laurence Czajkowski

Investigator: Attorney Joan M. Andrews

Managing Attorney: Jeffrey B. Garfield

Recommendation: The Commission Finds Reason to Believe that  
Respondent Laurence Czajkowski, violated Connecticut  
General Statutes §§9-23g, 9-171, 9-172 and 9-360.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary that the Commission finds reason to believe that Respondent Laurence Czajkowski violated Connecticut General Statutes §§9-23g, 9-171, 9-172 and 9-360 and that a hearing officer be designated for this matter. So voted.

Chairman Cashman designated Commissioner Cleary to be hearing officer of the above captioned case.

**Non Filer Referrals by the Secretary of the State**

1. File No. 2006-237NF

35 is Alive

Respondent: H. F. Falana, Chairman  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Joan M. Andrews

Recommendation: The Commission Finds Reason to Believe that Respondent H. F. Falana, violated Connecticut General Statutes §§9-333d and 9-333g

2. File No. 2006-238NF

Bloomfield Black Dem. Club

Respondent: Reggie Smith, Chairmen  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Joan M. Andrews

Recommendation: The Commission Finds Reason to Believe that Respondent Reggie Smith, violated Connecticut General Statutes §§9-333d and 9-333g

3. File No. 2006-148NF

Hartford Principals Supervisors Association PAC

Respondent: Raul Montanez-Pitre, Treasurer  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Joan M. Andrews

Recommendation: The Commission Finds Reason to Believe that Respondent Raul Montanez-Pitre, violated Connecticut General Statutes §§9-333j and 9-333y

4. File No. 2006-252NF

New Beginnings II

Respondent: Shawn R. Holloway, Treasurer  
Investigator: Attorney William B. Smith  
Managing Attorney: Joan M. Andrews

Recommendation: The Commission Finds Reason to Believe that Respondent Shawn R. Holloway violated Connecticut General Statutes §§9-333j and 9-333y.

5. File No. 2006-258NF

Independent Party of Norwalk

Respondent: Edna Brooks, Treasurer  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Joan M. Andrews

Recommendation: The Commission Finds Reason to Believe that Respondent Edna Brooks, violated Connecticut General Statutes §§9-333j and 9-333y

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary that the Commission finds reason to believe that the Respondents in the above captioned cases violated the statutes indicated and a hearing officer be designated for these matters. So voted.

Chairman Cashman volunteered to be Hearing Officer for File Nos. 2006-237NF and 2006-238NF. He designated Mr. Garfield as Hearing Officer for File No. 2006-252NF and Mr. Lenge as Hearing Officer for File Nos. 2006-148NF and 258NF.

**V. *Non-Filer Compliance***

***Referral by the Office of the Secretary of the State***

File Nos. 2006-157NF and 2006-176NF

Coalition of Concerned Citizens for Local Control of Schools

Respondent: Joi Reiner Gallo, Treasurer  
Investigator: Paralegal Paige Adams  
Managing Attorney: Joan M. Andrews  
Compliance with C.G.S. §9-333j and §9-333y

File No. 2006-178NF

CT Young Republicans 4<sup>th</sup> Congressional District

Respondent: Alexis Harrison, Treasurer  
Investigator: Paralegal Paige Adams  
Managing Attorney: Joan M. Andrews

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to take administrative notice of compliance with the statutes indicated, and accept, as full settlement the payment of \$400 to the State of Connecticut and will take no further action with respect to the matters in File Nos. 2006-157NF and 2006-176NF. And it was moved that the Commission rescind the Commission's finding of reason to believe that Alexis Harrison violated Connecticut General Statutes §§9-333j and 9-333y and to take no further action with respect to File No. 2006-178NF. So voted.

**VI. *Consideration of the Proposed Ordinance of the City of New Haven To Participate in Public Financing Pilot Program***

Mr. Garfield informed the Commission that Attorney Carl Amenta was present today. Attorney Amenta is the Assistant Corporation Council to the City of New Haven. Mr. Garfield asked him to step forward to answer a few questions with respect to the draft ordinance of the Democracy Fund. The Commission asked him several questions on the technical and substantive changes that have been made to the ordinance that was submitted. Ms. Amenta answered the Commission's questions stating that there are still some changes that needed to be made in the draft ordinance.

Chairman Cashman suggested that the Commission defer action on this matter to give the City of New Haven the opportunity to correct the deficiencies in the submission and prepare a new draft. The Commission will address the matter at the November 15<sup>th</sup> meeting. Mr. Garfield said that the New Director of Public Financing, Beth Rotman, has special expertise in this field and will assist the officials of the City of New Haven.

**VII. *Discussion of Pending Litigation*— Executive Session per Conn. Gen Stats. 1-200 (6) (B)— Discussion of Strategy and Negotiations with Respect to Pending Litigation involving the challenge to the Campaign Finance Reform Legislation  
Assistant Attorney General Perry Zinn Rowthorn**

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary at 10:20 A.M. to proceed into Executive Session pursuant to C.G.S. 1-200(6) (B) to discuss the pending litigation. So voted. Present were Commissioners Cashman, Cleary, and Jenkins. Staff members present were Messrs. Garfield, Lenge, Smith, Crayton, Ms. Rotman, Ms. Andrews, Ms. Kulmacz and Ms. Blackburn. Assistant Attorney General Perry Zinn-Rowthorn was also present during the discussion.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to return to public session at 10:45 A.M. So voted.

**VIII. *Review of Commission Procedures***

- *Explanation of Commission Procedures Document*
- *Appearances for Negotiation of Settlements*
- *Docketing Policy*
- *Consideration of New Hearing Procedures*
- *CGS §9-333w Cases*

Ms. Andrews summarized the changes that she has suggested with respect to Commission procedures and asked for comments from the Commissioners. During this discussion, it was decided that the initial correspondence to the prospective respondents should clearly notify the respondent he or she may, if he or she wishes, be represented by counsel from the onset, however it is not required.

Ms. Andrews suggested that the Commission, when making other changes to the regulations, include the requirement that an appearance be filed to conduct negotiations on a Respondent's behalf. The current regulations are silent on the need for filing an appearance until the contested case stage. The Commission was in agreement.



Ms. Andrews reviewed her suggestions on reviewing and docketing of complaints. Chairman Cashman's view was that the current procedures should not be changed at this time.

Ms. Andrews summarized her memo regarding consideration of new hearing procedures. The Commission discussed the perception problem that a respondent may have that a hearing officer has prejudged the case. It was discussed that a change to the regulations to include a staff member as an adjudicator would help with the possible increase in the number of hearings. This change may provide the Commission more flexibility and would be consistent with the UAPA. The Commission agreed that a draft revision of the regulations incorporate the filing of appearance by attorneys and expand the options of the hearing officers, if the case load expands.

Ms. Andrews further stated that Public Act 05-188 has added the requirement that candidate committees and individuals include, in addition to "Paid for by" the specific language, "approved by" and the name of the candidate or individual. She suggested that the complaints that only allege failure to comply with the new requirement could be resolved by a warning or advisory letter if there have been no prior violations. The Commission agreed that a warning would be an appropriate disposition under these facts, but they should continue to be docketed. The henceforth order can be prepared for the Commission's review without the usual detailed review by the Commission prior to the preparation of the agreement.

#### ***IX. Consideration of Draft Declaratory Ruling-Lobbyist Contribution and Solicitation Ban***

The Commission discussed the revised proposed Declaratory Ruling relating to the ban on contributions and solicitation of these, as it applies to lobbyists and contractors. The revision focuses on the solicitation aspect of the ban particularly as it applies to lobbyists, but the same definition of solicit applies to contractors. The Commission's intention is to post it on the Commission's website and distribute it to other interested parties with the expectation that the Commission will entertain public comment with respect to the proposed ruling between today and Election Day. Based on the final comments, the Commission will prepare a proposed final version to be taken up at the Commission's meeting on November 15, 2006.

Mr. Garfield highlighted the proposed ruling. He said the General Assembly has enacted a broad sweeping new comprehensive Campaign Finance Reform Law that has many implications for campaigns in the state and for those people who contribute to those campaigns. The proposed ruling is intended to provide guidance to the regulated community, particularly lobbyists and principals of state contractors and prospective state contractors. The ban is one aspect of a many faceted law that has created many questions. There is a lot of confusion and misunderstanding. The Commission's intention will be to clarify the application of the contribution ban. The proposed ruling will be sent to the members of the GAE and legislative leadership and any other interested parties. All comments should be in writing and addressed to the attention of staff. They will be provided to the Commission for their review prior to the next meeting.

#### ***X. Consideration of Declaratory Ruling-State Contractor Contribution and Solicitation Ban***

## ***XI. Administrative Reports***

- Report to GAE Committee Concerning Progress on Implementation of Campaign Finance Reform Legislation

Mr. Garfield stated that the GAE progress report took a significant amount of work to prepare. He especially acknowledges the efforts of the IT unit. He believes that the report addresses even more than Representative Caruso and Senator DeFronzo requested. Mr. Garfield stated that he believes that the report is an honest and straightforward explanation of the progress that has been made. The implementation of the legislation has been a challenge and there have been obstacles and difficulties encountered. He said that the Agency is determined to get the job done well and on time. He introduced Beth Rotman, the Director of Public Financing to summarize her progress.

Ms. Rotman thanked the Commission and expressed her admiration for the work of the Commission and management in pushing forward and assisting with the enactment of the campaign finance reform that is now the law in Connecticut. She summarized the progress the unit has made. She stated that there are some major points being addressed, creating the legal structure, building the comprehensive audit and compliance procedures and creating candidate friendly training materials. She is working together with the IT staff to design the necessary applications and support. She summarized what has been accomplished and what still needs to be done.

Mr. Garfield stated that the staffing of the Public Financing Unit is progressing. He hopes that we will be ready for some special elections in early 2007 but suggested consideration of a legislative change to limit the number of such elections for which the program would be applicable.

Mr. Garfield introduced Brenda Lou Mathieu to update the Commission on the status of the implementation of the state contractor ban.

Ms. Mathieu stated that her audit unit has been working very hard and have made progress. They have begun establishing the principal information data base. Working with the IT unit, they have 3000 records to date. Her primary concern is that the information posted on the data base is accurate. All those who have contacted the unit for help and questions have been responded to, and this has created good will. Most have been cooperative.

Before adjourning, Ms. Andrews announced that a new staff attorney in the Legal Affairs and Enforcement Unit has been hired and will be starting November 13. Her name is Shannon Tracy Bergquist.

***XII. Adjournment***

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adjourn the meeting at 11:55 A.M. So voted.

Unless otherwise indicated, all votes of the Commission were unanimous.

***The next regular meeting is scheduled for November 15, 2006 at 9:00 A.M.***

Respectfully submitted,

Lois E. Blackburn  
Clerk of the Commission

Adopted this 15<sup>th</sup> day of November, 2006, at Hartford, Connecticut.

Stephen F. Cashman, Chairman  
By Order of the Commission